

**MANDATE**

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

EDM/H/BK/RY  
05-cv-4998  
Cogan

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 9th day of February, two thousand and nine,

Ari Weitzer,

Plaintiff-Appellant,

v.

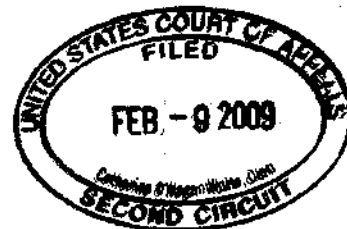
Commercial Lighting Industries, Inc.,

Defendant-Appellee.

**ORDER**

Docket Number: 07-4374

2009 MAR 17 AM 8:00



An appeal having been filed in this Court on 10/10/07; and,

Appellant having entered into a stipulation on 11/30/07 to withdraw the appeal without prejudice to reactivation by 12/29/08; and,

This Court, *sua sponte*, on 01/21/09 having issued an order to show cause why the appeal should not be dismissed as withdrawn according to the terms of the stipulation and the Federal Rules of Appellate Procedure Rule 42; and,

Appellant not having responded to the Court as directed,

IT IS ORDERED that the appeal is dismissed as withdrawn according to the terms of the stipulation.

For the Court:

Catherine O'Hagan Wolfe, Clerk

By:

*Anna Orzeszek*  
Anna Orzeszek, Deputy Clerk

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by *Anna Orzeszek*  
DEPUTY CLERK

CERTIFIED: MAR - 9 2009